

O P E J C 8
AUG 16 2002
PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Applicant: Olaf Reinhold, et al.
Serial No.: 10/080,504
Filed: February 22, 2002
For: INHALATION DEVICE
HAVING AN OPTIMIZED AIR
FLOW PATH
08/20/2002 GUARDIAN 00000063 501273 10080504
04 FEB 217 40.00 OP
04 FEB 217 40.00 OP

) Group Art Unit: 1619

) Examiner: Not Yet Assigned

SUBMISSION OF MISSING PARTS AND RELATED APPLICATION PAPERS

08/20/2002 GUARDIAN 00000064 10080504

05 FEB 217 460.00 OP

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

1. Documents Enclosed:

In response to the **NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(b)**, which was mailed by the Patent Office on **March 19, 2002** enclosed are:

Declaration executed by named inventors;

Substitute Drawings Figures _____ (_____ sheets);

Copy of Notice to File Missing Parts of Nonprovisional Application under 37 CFR 1.53(b);

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated below to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 8/16/02

Lisa A. Estrada
Name of Person Mailing Paper
Signature of Person Mailing Paper

08/20/2002 GUARDIAN 00000063 501273 10080504
05 FEB 217 455.00 CH

Assignment of the invention to Vapotronics, Inc. (together with form PTO-1595).

Grant of Power of Attorney.

2. **REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

| EXTENSION (months) | FEE FOR SMALL ENTITY | FEE FOR OTHER THAN SMALL ENTITY |
|---|-------------------------|------------------------------------|
| <input type="checkbox"/> one month | \$55.00 | \$110.00 |
| <input type="checkbox"/> two month | \$200.00 | \$400.00 |
| <input checked="" type="checkbox"/> three month | \$460.00 | \$920.00 |
| <input type="checkbox"/> four month | \$720.00 | \$1,440.00 |
| <input type="checkbox"/> five month | \$980.00 | \$1,960.00 |

3. **FILING FEES**

| BASIC FILING FEE: | | |
|---|--------------------------|---------------------------------|
| Total Claims | 24 - 20 = 4 x \$18.00 | \$72.00 |
| Independent Claims | - 3 = x \$84.00 | \$0.00 |
| Multiple Dependent Claims | \$280 (if applicable) | <input type="checkbox"/> \$0.00 |
| Surcharge 37 CFR § 1.16(e) | \$130 (if applicable) | \$130.00 |
| TOTAL OF ABOVE CALCULATIONS | | \$942.00 |
| Reduction by 1/2 for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. | <input type="checkbox"/> | \$471.00 |
| Extension of Time (from above) | <input type="checkbox"/> | \$460.00 |
| Assignment--\$40 (if applicable) | <input type="checkbox"/> | \$40.00 |
| TOTAL FEES SUBMITTED HEREWITH | | \$971.00 |

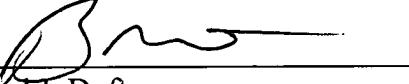
4. **METHOD OF PAYMENT OF FEES:**

Check in the amount of \$971.00 is enclosed to cover the above fee(s).
 Charge Deposit Account No. 50-1273 in the amount of \$_____.
 The Commissioner is authorized to charge Counsel's Deposit Account No. 50-1273 for any fees required under 37 CFR 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 50-1273.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

Dated: 8-13-02

By: 
Bradford J. Duft
Reg. No. 32,219

BJD:lae

BROBECK, PHLEGER & HARRISON LLP
12390 El Camino Real
San Diego, CA 92130-2081
Telephone: (858) 720-2500
Facsimile: (858) 720-2555

MAIL DATE CANCELLED



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/080,504 | 02/22/2002 | Olaf Reinhold | 030903.0004.UTL1 |

CONFIRMATION NO. 8672

FORMALITIES LETTER



OC00000007672838

Bradford J. Duft
Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130-2081

Date Mailed: 03/19/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/20/2002 GUORDOF1 00000064 10080504

| | |
|-----------|-----------|
| 01 FC:201 | 370.00 QP |
| 02 FC:203 | 36.00 QP |
| 03 FC:205 | 65.00 QP |

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$36.
 - \$36 for 4 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 471.**

*A copy of this notice **MUST** be returned with the reply.*

Tran Chan

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

m/p

AUG 16 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

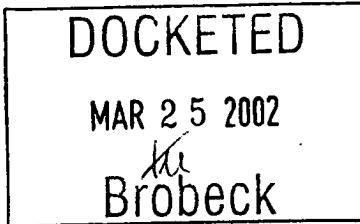
#3

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WASHINGTON, D.C. 20231
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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|------------------|----------|------------|------------|
| 10/080,504 | 02/22/2002 | 1619 | 0.00 | 030903.0004.UTL1 | 1 | 24 | 3 |

CONFIRMATION NO. 8672

Bradford J. Duft
Brobeck, Phleger & Harrison LLP
12390 El Camino Real
San Diego, CA 92130-2081



FILING RECEIPT



OC000000007672837

Date Mailed: 03/19/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Olaf Reinhold, Residence Not Provided;
Robert P. Lackey, Residence Not Provided;
Jeffrey P. Taub, Residence Not Provided;
Stephen Francis Goodall, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/271,193 02/23/2001

Foreign Applications**If Required, Foreign Filing License Granted** 03/15/2002**Projected Publication Date:** To Be Determined - pending completion of Missing Parts**Non-Publication Request:** No**Early Publication Request:** No**** SMALL ENTITY ******Title**

Inhalation device having an optimized air flow path

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).